

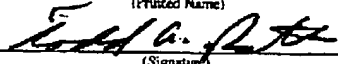
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SEP 28 2006

Atty. Dkt. No. 999999-0043

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David J. Bates  
Title: TIME RECORDING AND  
MANAGEMENT SYSTEM  
Appl. No.: 10/763,832  
Filing Date: 01/23/2003  
Examiner: Cheryl Lewis  
Art Unit: 2167

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Todd A. Rathe (Printed Name)	
 (Signature)	
09/28/2006 (Date of Deposit)	

**DECLARATION UNDER 37 C.F.R. § 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, David J. Bates, state and declare that:

1. I am the inventor of claims 1-23 of U.S. Patent Application No. 10/763, 832 titled "TIME RECORDING AND MANAGEMENT SYSTEM" (hereinafter "the '832 application").
2. Prior to the July 26, 2002, the filing date of U.S. Patent Application Serial No. 10/205,204, I conceived and reduced to practice in the United States, the ideas set forth in the above-listed claims in the '832 application and described in the '832 application as evidenced by the attached Exhibits A.
3. Exhibit A is an exact copy of the redacted screenshots included in U.S. provisional application serial number 60/442,145, from which the present application claims priority. These screenshots are taken from a spreadsheet and associated macros (program) which was reduced to practice before July 26, 2002. Figure 3 indicates that the daily timesheet is for the fiscal year 2002, which in the particular circumstance ended on January

Atty. Dkt. No. 999999-0043

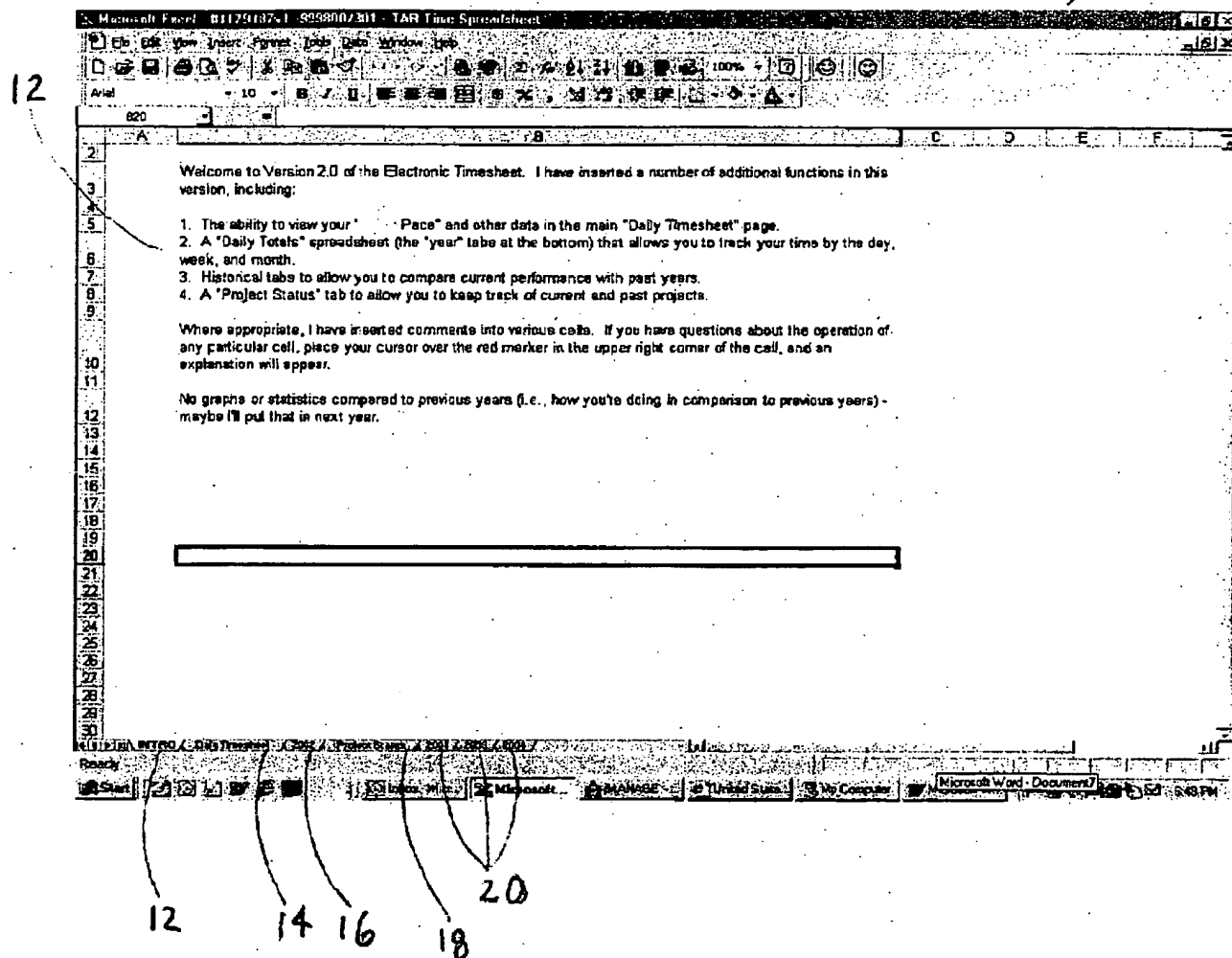
31, 2003. Figure 6 further indicates reduction to practice and use of the program as early as February, 2002.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: September 28, 2006By: David J. Bates  
David J. Bates

FIG. 1

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FIG. 2

Microsoft Excel - RT17018/ST-929800/00 - TAY Time Spreadsheet

Date	Start	Stop	Hours	Client	Matter	Description	B	MB	T
10/03	11:13 AM	11:44 AM	0.31	18483	710	Review file in preparation for drafting response; draft response to Office Action	0.51	-	-
2006	1:20 PM	2:15 PM	0.91	18483	710	Center w/	0.91	-	-
2006	3:11 PM	4:20 PM	1.14	18483	710		1.14	-	-
2007	4:27 PM	4:47 PM	0.33	18483	710		0.33	-	-
2008	4:54 PM	5:02 PM	0.15	18483	710		0.15	-	3.1
2009	8:18 AM	9:27 AM	0.18	26032	3383	Review 2nd Notice of Allowance; Phone message to Examiner	0.18	-	0.2
2010	10:50 AM	10:57 AM	0.13	26032	4180	Tic w/ re: review of application	0.13	-	0.2
2011	4:48 PM	4:54 PM	0.10	27830	3577	Draft Reply Instructions	0.10	-	-
2012	5:03 PM	5:55 PM	0.68	27830	3577		0.68	-	1.0
2013	10:32 AM	10:48 AM	0.29	43922	101	Finalize & forward license agreement to	0.29	-	0.2
2014	2:15 PM	2:36 PM	0.35	62103	101	Tic w/ re: application; Review testing relevance; Draft e-mail to with alternative system design concept and	0.35	-	-
2015	2:44 PM	3:11 PM	0.45	62103	101		0.45	-	0.8
2016	9:48 AM	10:29 AM	0.72	84550		Tic w/ re: 1 machine and LIS Patent draft	0.72	-	0.8
2017						memorializing e-mail to			
2018	16:03	9:39 AM	1.82	27830	3577	Draft Reply Instructions	1.02	-	-
2019	10:59 AM	11:28 AM	0.49	84061	342	draft application	0.49	-	-
2020	1:04 PM	2:28 PM	1.48	84061	342		1.40	-	-
2021	2:40 PM	3:23 PM	0.71	84061	342		0.71	-	-
2022	3:24 PM	4:12 PM	0.69	84249	101	Review Closing assignment; center w/ re: docket records; center w/ re: recordation of assignments	0.60	-	-
2023	4:15 PM	8:39 PM	2.38	84061	341	draft application	2.38	-	-
2024			0.28	15546	127	Review & report published patent application	0.20	-	-
2025			0.28	thm	adm	Center w/ re: filing issue for		-	-

10/11/2006 Daily Timesheet / 2006 / Print Sheet / 10/11/2006

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FIG. 4

Microsoft Excel - #1179187-1-000000/101 - TAB Time Spreadsheet												
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FIG.5

H2824 - draft application									
Update Time / Generate Report									
1	2802								
2	2803	1/3/03	11:13 AM	11:44 AM	0.51	10483	710		
3	2804								
4	2805		1:20 PM	2:15 PM	0.91	10483	710		
5	2806		3:11 PM	4:20 PM	1.14	10483	710		
6	2807		4:27 PM	4:47 PM	0.33	10483	710		
7	2808		4:54 PM	5:02 PM	0.15	10483	710		
8	2809		9:18 AM	9:27 AM	0.18	28032	3577		
9	2810		10:50 AM	10:57 AM	0.13	28032	4180		
10	2811		4:48 PM	4:54 PM	0.10	27830	3577		
11	2812		5:03 PM	5:58 PM	0.88	27830	3577		
12	2813		10:37 AM	10:49 AM	0.20	42822	101		
13	2814		2:15 PM	2:36 PM	0.38	82103	101		
14	2815								
15	2816		2:44 PM	3:11 PM	0.45	82103	101		
16	2817		9:48 AM	10:29 AM	0.72	64660			
17	2818								
18	2819	1/8/03	8:36 AM	10:40 AM	1.62	27830	3577		
19	2820		10:59 AM	11:29 AM	0.49	84081	342		
20	2821		1:04 PM	2:28 PM	1.40	84081	342		
21	2822		2:40 PM	3:23 PM	0.71	84081	342		
22	2823		3:24 PM	4:12 PM	0.88	58249	101		
23	2824		4:15 PM	8:38 PM	2.38	84081	341		
24	2825				0.20	18846	127		
25	2826				0.20	82103	101		
26	2827								
27	2828								
Summary									
Project Billable Hours Using 365 Working Days: 1884									
Project Billable Hours Using Actual/Anticipated Working: 1896									
Average Daily Pace So Far Using Actual Working Days: 0.67									
Average Daily Pace Needed Using Anticipated Working Days: 0.68									
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H2824													
	A	B	C	D	E	F	G	H	I	J	K	L	M
1				Actual	Est	Actual	Est	Projected Billable Hours Using 315 Working Days	1884	TAR			
2				61,245	61,564	61,245	61,564	Projected Billable Hours Using Actual/Anticipated Working	1886				
3													
4				1,884	1,886	1,884	1,886	Average Daily Pace So Far Using Actual Working Days	8.67				
5				61,245	61,564	61,245	61,564	Average Daily Pace Needed Using Anticipated Working Days	8.69				
6													
7	Date	Start	Stop	Hours	Client	Matter	Num	Description	B	MB	T		
2803	1/28/83	11:13 AM	11:44 AM	0.51	18483	710		Review file in preparation for drafting response, draft response to	0.51	--			
2804								Office Action					
2805		1:26 PM	2:15 PM	0.51	18483	710		Confer w/	0.51	--			
2806		3:11 PM	4:20 PM	1.14	18483	710			1.14	--			
2807		4:27 PM	4:47 PM	0.33	18483	710			0.33	--			
2808		4:54 PM	5:02 PM	0.42	18483	710			0.42	--			
2809		8:18 AM	9:17 AM	0.49	26102	3577		Review 2nd Notice of Allowance, Phone message to Examiner	0.15	--	3.1		
2810		10:50 AM	10:57 AM	0.13	26102	4180		Tel w/	0.13	--	0.2		
2811		4:48 PM	4:54 PM	0.08	27800	3577		re: review of application	0.10	--	0.2		
2812		5:05 PM	6:06 PM	0.88	27800	3577		Draft Reply Instructions	0.10	--			
2813		10:37 AM	10:49 AM	0.28	43022	101		Draft Reply Instructions	0.08	--	1.0		
2814		2:15 PM	2:36 PM	0.36	62103	101		Initiate & forward license agreement to	0.20	--	0.2		
2815								Tel w/	0.35	--			
2816		2:44 PM	3:11 PM	0.45	62103	101		re: filing applications to					
2817		9:48 AM	10:29 AM	0.72	84560			re: applications; Review					
2818								re: alternative pen system design concept					
2819								Tel w/	0.45	--	0.8		
2820								re: machine and US Patent	0.72	--	0.8		
2821								re: memorializing e-mail to					
2822									6.38	0.00	6.3		
2823	1/8/83			0.29	16548	127		Review & report published patent application	0.20	--	0.2		
2824		8:38 AM	10:40 AM	1.82	27830	3577		Draft Reply Instructions	1.02	--	1.1		
2825		3:24 PM	4:12 PM	0.8									

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FIG. 8

Microsoft Excel - 011/27/02 - 000000/001 - TAR Time Spreadsheet														
02/01/2002														
Daily Totals														
Hours:	Date		Billable	Nonbillable			Cum. Billed Hours	Cum. N-Billed Hours	Projected Hours	Reg. Daily Billable Avg.	My Projected Hours	Month	Hours	Target Monthly Avg.
Target:	02/01/02		6.3	0.7			6.3	0.7	2289.6	6.67	1600.2	February	137.0	152.5
Day	02/02/02						6.3	0.7	1149.8	6.69	1600.2	March	-	152.5
	02/03/02						6.3	0.7	796.5	6.69	1600.2	April	187.5	152.5
	02/04/02		6.1	0.6			12.4	1.3	1131.5	6.67	1574.8	May	146.7	152.5
	02/05/02		8.0	0.0			18.4	1.3	1343.2	6.67	1557.9	June	126.8	152.5
	02/06/02		9.3	0.0	7.3	avg.	27.7	1.3	1585.1	6.66	1759.0	July	193.0	152.5
	02/07/02		8.7	0.0	36.3	total billable	34.4	1.3	1793.7	6.66	1747.5	August	201.8	152.5
	02/08/02		8.2	0.2	0.8	total nonbillable	42.6	1.5	1943.6	6.66	1803.4	September	111.8	152.5
	02/09/02						42.6	1.5	1727.7	6.68	1803.4	October	114.6	152.5
	02/10/02						42.6	1.5	1554.9	6.68	1803.4	November	110.0	152.5
	02/11/02		7.5	0.3			50.1	1.5	1652.4	6.65	1817.8	December	102.9	152.5
	02/12/02		5.9	0.3			57.0	1.5	1733.8	6.65	1809.8	January	19.7	152.5
	02/13/02		5.1	0.0	6.9	avg.	63.1	1.5	1771.7	6.65	1780.8			
	02/14/02		5.0	0.5	34.7	total billable	68.1	2.0	1776.6	6.66	1725.7	TOTAL	1,451.8	1,950.0
	02/15/02		8.2	0.0	0.5	total nonbillable	77.3	2.0	1681.0	6.65	1784.9			
	02/16/02						77.3	2.0	1763.4	6.68	1784.9	Target:	1950	
	02/17/02						77.3	2.0	1669.7	6.68	1784.9			
	02/18/02		7.7	0.2			85.0	2.2	1723.8	6.65	1799.2			
	02/19/02		7.3	0.0			92.3	2.2	1773.1	6.64	1803.4			
	02/20/02		7.2	1.5	7.1	avg.	99.6	3.7	1815.9	6.64	1805.2			
	02/21/02		6.8	2.2	35.3	total billable	106.3	6.9	1847.6	6.64	1800.0			
	02/22/02		6.3	0.3	4.2	total nonbillable	112.6	6.2	1860.1	6.64	1787.5			
	02/23/02						112.6	6.2	1786.9	6.67	1787.5			
	02/24/02						112.6	6.2	1712.6	6.67	1787.6			
	02/25/02		7.5	0.0			120.1	6.2	1753.5	6.64	1794.4			
	02/26/02		7.3	0.6			127.4	6.8	1788.5	6.64	1797.8			
	02/27/02		6.0	1.4	5.7	avg.	133.4	8.2	1803.4	6.64	1783.3			
	02/28/02		3.6	1.1	28.3	total billable	137.0	9.3	1785.9	6.66	1739.9			
	03/01/02		3.9	1.9	5.0	total nonbillable	140.9	11.2	1773.4	6.68	1704.2			
	03/02/02						140.9	11.2	1714.3	6.69	1704.2			

New Users: Type in the number of hours in columns C and D as if your monthly hours will go to these numbers will go to Pace number.

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FIG. 9

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3											
4	Month	Hours	Target Monthly Avg.	Plus/Minus							
5	February	137.0	162.5	(25.5)							
6	March		162.5		0						
7	April	187.5	162.5	25.0							
8	May	146.7	162.5	(15.8)							
9	June	126.8	162.5	(35.7)							
10	July	193.0	162.5	30.5							
11	August	201.8	162.5	39.3							
12	September	111.8	162.5	(50.7)							
13	October	114.6	162.5	(47.9)							
14	November	110.0	162.5	(52.5)							
15	December	102.9	162.5	(59.6)							
16	January	19.7	162.5	(142.8)							
17	TOTAL	1,451.8	1,950.0	(335.7)							
18	Target	1950									
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FIG. 10

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N
337	334	12/31/02	6.2	0.0				1548.6	322.6	1692.3	6.31	1702.8		
338	335	01/01/03			5.9	avg.		1548.6	322.6	1692.3	6.58	1695.5		
339	336	01/02/03	8.3	0.0	23.5	total billable		1554.9	322.6	1689.1	6.60	1696.0		
340	337	01/03/03	8.3	0.0	0.0	total nonbillable		1561.2	322.6	1690.9	6.61	1694.6		
341	338	01/04/03						1561.2	322.6	1685.9	6.94	1694.6		
342	339	01/05/03						1561.2	322.6	1680.9	6.94	1694.6		
343	340	01/06/03	7.1	0.2				1568.3	322.8	1683.6	6.93	1696.1		
344	341	01/07/03						1568.3	322.8	1678.7	6.93	1687.9		
345	342	01/08/03			7.1	avg.		1568.3	322.8	1673.8	7.32	1680.8		
346	343	01/09/03			7.1	total billable		1568.3	322.8	1668.9	7.75	1673.7		
347	344	01/10/03			0.2	total nonbillable		1568.3	322.8	1664.0	8.23	1666.7		
348	345	01/11/03						1568.3	322.8	1659.2	8.78	1666.7		
349	346	01/12/03						1568.3	322.8	1654.4	8.78	1666.7		
350	347	01/13/03						1568.3	322.8	1649.7	8.78	1669.8		
351	348	01/14/03						1568.3	322.8	1644.9	9.41	1652.9		
352	349	01/15/03			#DIV/0!	avg.		1568.3	322.8	1640.2	10.13	1648.1		
353	350	01/16/03			0.0	total billable		1568.3	322.8	1635.6	10.98	1639.3		
354	351	01/17/03			0.0	total nonbillable		1568.3	322.8	1630.9	11.97	1632.6		
355	352	01/18/03						1568.3	322.8	1626.2	13.17	1632.6		
356	353	01/19/03						1568.3	322.8	1621.6	13.17	1632.6		
357	354	01/20/03						1568.3	322.8	1617.0	13.17	1625.9		
358	355	01/21/03						1568.3	322.8	1612.5	14.63	1619.3		
359	356	01/22/03			#DIV/0!	avg.		1568.3	322.8	1607.9	16.46	1612.7		
360	357	01/23/03			0.0	total billable		1568.3	322.8	1603.4	18.81	1606.2		
361	358	01/24/03			0.0	total nonbillable		1568.3	322.8	1599.0	21.95	1599.8		
362	359	01/25/03						1568.3	322.8	1594.5	26.34	1599.8		
363	360	01/26/03						1568.3	322.8	1590.1	26.34	1598.8		
364	361	01/27/03						1568.3	322.8	1585.7	26.34	1593.4		
365	362	01/28/03						1568.3	322.8	1581.3	32.93	1587.0		
366	363	01/05/00	0.0		0.0	avg.		1568.3	322.8	1576.9	43.90	1580.7		
367	364	01/30/03			0.0	total billable		1568.3	322.8	1572.6	65.65	1574.5		
368	365	01/31/03			0.0	total nonbillable		1568.3	322.8	1568.3	131.70	1568.3		

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FIG. 10

Microsoft Excel - #1179187v1 - 99:900/361 - 1A0 Time Spreadsheet										
File Edit Format Tools Window Help										
A7 100%										
	M	N	O	P	Q	R	S	T	U	V
337							New Year	Tue	12/31/02	1
338							New Year	Wed	01/01/03	1
339								Thu	01/02/03	1
340								Fri	01/03/03	1
341								Sat	01/04/03	0
342								Sun	01/05/03	0
343								Mon	01/06/03	1
344								Tue	01/07/03	1
345								Wed	01/08/03	1
346								Thu	01/09/03	1
347								Fri	01/10/03	1
348								Sat	01/11/03	0
349								Sun	01/12/03	0
350								Mon	01/13/03	1
351								Tue	01/14/03	1
352								Wed	01/15/03	1
353								Thu	01/16/03	1
354								Fri	01/17/03	1
355								Sat	01/18/03	0
356								Sun	01/19/03	0
357								Mon	01/20/03	1
358								Tue	01/21/03	1
359								Wed	01/22/03	1
360								Thu	01/23/03	1
361								Fri	01/24/03	1
362								Sat	01/25/03	0
363								Sun	01/26/03	0
364								Mon	01/27/03	1
365								Tue	01/28/03	1
366								Wed	01/29/03	1
367								Thu	01/30/03	1
368								Fri	01/31/03	1
369										
370										

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FIG. 13

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\* 29 \* RCVD AT 9/28/2006 1:05:59 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-2/15 \* DNIS:2738300 \* CSID:262 238 1468 \* DURATION (mm-ss):15-48

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FIG. 14

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IN PROGRESS										
	A	B	C	D	E	F	G	H	I	J
17							0			
18							0			
19							0			
20							0			
21							0			
22							0			
23							0			
24							0			
25							0			
26							0			
27							0			
28							0			
29							0			
30							0			
31							0			
32							0			
33							0			
34							0			
35	<b>COMPLETED</b>									
36										
37										
38										
39										
40										
41										
42										
43										
44										
45										
46										
47										
48										
49										
50										



EXHIBIT B

Microsoft Excel - 11/29/2004 09:00:00 - TAR Line Spreadsheet						
A2789						
	Date	Start	Stop	Hours	Client	Number
2779		0.407652662033797	0.4106967337962234	0.4	82103	370
2780		0.43125	0.481222668335408	0.4	82103	435
2781		0.628884236107597	0.675050610183168	0.4	83600	158
2782				0.4	83600	158
2783				1.2	84081	342
2784						
2785						
2786						
2787				0.4	26092	403
2788				0.4	26092	403
2789						
2790		0.402108269269306	0.4097111111111392	0.4	27830	3947
2791		0.585121627177688	0.5718186666667078	0.4	27830	3947
2792				0.4	27830	3947
2793		0.479372337962659	0.484240625002712	0.4	43802	101
2794		0.606533101854438	0.520648412255751	0.4	43802	121
2795				0.4	82103	106
2796		0.410089400749151	0.484583333333333	0.4	83600	158
2797		0.578406712984352	0.606533101854438	0.4	83600	158
2798		0.846889332403984	0.656762037040888	0.4	83600	158
2799		0.74375	0.749554262410827	0.4	83600	158
2800		0.822784490740742	0.63213078703807	0.4	84081	342
2801		0.830170138267479	0.642381111111111	0.4	84081	342
2802		0.872872600826688	0.744067152770884	0.4	84081	342
2803						
2804		0.467873611109088	0.488103919447337	0.4	18483	710
2805		0.555948537039851	0.580375	0.4	18483	710
2806		0.830285763881763	0.680752515736788	0.4	18483	710
2807		0.685834953706944	0.698618518519858	0.4	18483	710
2808		0.704277188232848	0.710383888481076	0.4	18483	710
2809		0.389538481480715	0.394021084814297	0.4	26092	3383

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EXHIBIT C

Microsoft Excel - B11/21/06/v1 - 995800/301 - TAR Time Spreadsheet					
Stop	Hours	Client	Matter	Blum	
2780	0.410897337962524	-(C2780-82780)/24	82103	370	Review & report Notice of Allowance
2781	0.491223658335488	-(C2781-82781)/24	82103	435	Center w. - re: this action
2782	0.875050610183188	-(C2782-82782)/24	83900	158	center w. review opinion letter
2783			83900	158	
2784			84081	342	draft application
2785					
2786			28032	4023	Yr w. - re: this action
2787			28032	4023	File application
2788					Phone message to re: application review, e-mail
2789	0.409711111111322	-(C2789-82789)/24	27830	3947	
2790	0.571916666667876	-(C2790-82790)/24	27830	3947	
2791			27830	3947	
2792	0.484240626002712	-(C2792-82792)/24	43822	101	Yr w. Prepare final draft
2793	0.820846912253791	-(C2793-82793)/24	43822	101	Prepare Base License Agreement
2794			82103	108	Memorize conception record for alternatives
2795	0.484583333333333	-(C2795-82795)/24	83900	158	center w. a. review opinion letter
2796	0.608633101854438	-(C2796-82796)/24	83900	158	
2797	0.698782037040608	-(C2797-82797)/24	83900	158	
2798	0.748664282410867	-(C2798-82798)/24	83900	158	
2799	0.630130078703807	-(C2799-82799)/24	84081	342	draft application
2800	0.842361111111111	-(C2800-82800)/24	84081	342	
2801	0.746087152779684	-(C2801-82801)/24	84081	342	
2802					
2803					
2804	0.485103919447337	-(C2804-82804)/24	19483	710	Review file in preparation for drafting response, draft res
2805	0.55375	-(C2805-82805)/24	19483	710	Center w.
2806	0.860762616738708	-(C2806-82806)/24	19483	710	
2807	0.699818519519658	-(C2807-82807)/24	19483	710	
2808	0.710350354481078	-(C2808-82808)/24	19483	710	
2809	0.33421084814287	-(C2809-82809)/24	26032	3963	Review 2nd Notice of Allowance, Phone message to Exa

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EXHIBIT D

Microsoft Excel - B1179187-1 - 929800/301 - TAI Time Spreadsheet	
File Edit View Insert Format Tools Data Window Help	
F2521 101	
Projected Billable Hours Using 365 Working Days: =LOOKUP(TODAY(),20021515\$4:\$Z\$365) Projected Billable Hours Using Actual/Anticipated Working Days: =LOOKUP(TODAY(),20021515\$4:\$Z\$365) Average Daily Pace So Far Using Actual Working Days: =LOOKUP(TODAY(),20021515\$4:\$Z\$365),LOOKUP(TODAY(),20021515\$4:\$Z\$365) Average Daily Pace Needed Using Anticipated Working Days: =LOOKUP(TODAY(),20021515\$4:\$Z\$365)	
Description	
draft application	4.9
Office conf. w/ re: subscription agreement and IP definitions	0.812713888623055
Draft subscription agreement addendum definitions	0.541813888946208
mtg w/ re: strategy & expert reports	0.828752777788143
Report search results	8.48254722228739
Revise patent application	0.5
draft reply	9.3
draft application	0.60812222231235
draft application	1.1788472222872
draft application	1.18428111108623
Review & revise investor letter	0.412644444499185
mtg w. drafts person	0.475961111078504
draft application meeting w/ drafts person	1.30774444446433
draft application	6.2
T/A w/ re: disclosure	0.268947222261224
Attend Presentation/Meeting	0.568744444453823
	1.330280555547036
	1.72803888887859
	1.30583611101817
	2.78515833337791
	0.2